

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

## UNITED STATES' MOTION FOR DEFAULT

Pursuant to Rule 55(a) of the Federal Rules of Civil Procedure, the plaintiff, United States of America, moves this Court to enter a default against the defendant, Vincente Duarte (hereinafter “Duarte”), for failing to plead to, or otherwise defend, the complaint for the above captioned action.

In support, the United States says:

1. According to our office records, Duarte is indebted to the United States for the principal amount of \$130,526.88; plus \$25,833.98 accrued interest; plus costs. The total balance as of November 30, 2005 is \$156,360.86.

2. The submitted affidavit of Tricia L. Desingco, Paralegal for the United States Attorney's Office Financial Litigation Unit, Boston, Massachusetts, establishes Duarte's failure to plead to the complaint.

WHEREFORE, the United States moves this Court to enter a default, pursuant to Rule 55(a) of the Federal Rules of Civil Procedure, against Duarte for failing to plead to, or otherwise defend, the complaint in the above captioned action.

Respectfully submitted,

UNITED STATES OF AMERICA  
By its attorneys

MICHAEL J. SULLIVAN  
United States Attorney

By:

/s/ Christopher R. Donato  
CHRISTOPHER R. DONATO  
Assistant U.S. Attorney  
1 Courthouse Way, Suite 9200  
Boston, MA 02210  
(617) 748-3303

Dated: November 30, 2005

**CERTIFICATE OF SERVICE**

Suffolk, s.s.

Boston, MA

I hereby certify that on this day, I served a copy of the foregoing by mailing to Vincente Duarte at 154 Langley Street, Apt. 1, Fall River, MA 02720.

/s/ Christopher R. Donato  
CHRISTOPHER R. DONATO  
Assistant U.S. Attorney

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA, )  
                                  )  
Plaintiff,                   )  
                                  )  
v.                            )      Court No. 05-10633-MEL  
                                  )  
VINCENTE DUARTE,           )  
                                  )  
Defendant.                   )

**AFFIDAVIT SUPPORTING UNITED STATES' MOTION FOR DEFAULT**

I, Tricia L. Desingco, state under oath that:

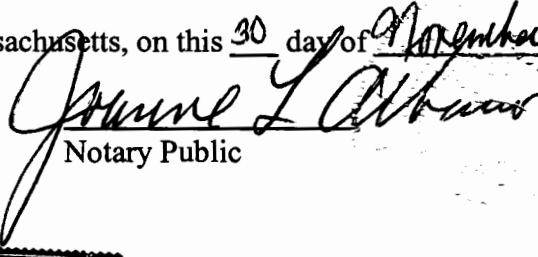
1. I am a Paralegal with the United States Attorney's Office Financial Litigation Unit located in Boston, Massachusetts.
2. In that capacity, I process and maintain debt collection cases, including the case of Vincente Duarte (hereinafter "Duarte"). I am also the custodian of the records for such cases.
3. Duarte was served, according to the return of service, with a summons and complaint on May 15, 2005 at 154 Langley Street, Apt. 1, Fall River, MA 02720. See attached exhibit "A". As of November 30, 2005, Duarte has not served on the United States Attorney an answer, or other responsive pleading, to the complaint in the above captioned action.

  
Tricia L. Desingco

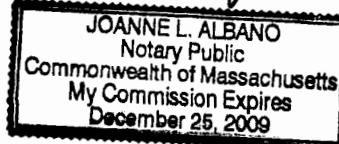
Paralegal

Date: November 30, 2005

Signed and sworn to before me at Boston, Massachusetts, on this 30 day of November, 2005.

  
Notary Public

My commission expires:



EXHIBIT

Case 1:05-cv-10633-MEL

U.S. Department of Justice  
United States Marshals Service

A

Filed 05/27/2005 Page 1 of 2

## PROCESS RECEIPT AND RETURN

Instructions for "Service of Process by the U.S. Marshal"  
on the reverse of this form.

|   |   |  |                      |
|---|---|--|----------------------|
| PLAINTIFF   | United States of America  | COURT CASE NUMBER  | 05 - 10633 - MEL     |
| DEFENDANT   | Vincente Duarte   | TYPE OF PROCESS  | Subpoena - Complaint |
| SERVE   | NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC., TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN |  |                      |
| AT  | 517 Maple Street, Fall River, MA 02720  | ADDRESS (Street or RFD, Apartment No., City, State and ZIP Code) | NG                   |
| SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW:   |   | Number of process to be served with this Form - 285              | 285                  |
| <input checked="" type="checkbox"/> Nancy M. Rutas<br>663 Attorney's Office<br>Commonwealth Legal Unit<br>One Courthouse Way, 56-5201<br>Boston, MA 02210 |   | Number of parties to be served in this case                      | 1                    |
|   |   | Check for service on U.S.A.                                      | 1                    |

SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (Include Business and Alternate Addresses, All Telephone Numbers, and Estimated Times Available For Service):

Pls. a mark on the place to June 30, 2005

Alternative address: 154 Langley St. Apt. 1  
Fall River, MA

NAME ON MAIL BOX

Signature of Attorney or other Originator requesting service on behalf of: J. M. B.

|   |                  |         |
|---|------------------|---------|
| <input checked="" type="checkbox"/> PLAINTIFF | TELEPHONE NUMBER | DATE    |
| <input type="checkbox"/> DEFENDANT            | 617-745-3385     | 3/31/05 |

## SPACE BELOW FOR USE OF U.S. MARSHAL ONLY - DO NOT WRITE BELOW THIS LINE

I acknowledge receipt for the total number of process indicated. (Sign only first USM 285 if more than one USM 285 is submitted) 1 Total Process No. 38 District of Origin No. 38 District to Serve maury jalane Signature of Authorized USMS Deputy or Clerk Date 3/31/05

I hereby certify and return that I  have personally served,  have legal evidence of service,  have executed as shown in "Remarks", the process described on the individual, company, corporation, etc., at the address shown above or on the individual, company, corporation, etc., shown at the address inserted below.

I hereby certify and return that I am unable to locate the individual, company, corporation, etc., named above (See remarks below)

|   |  |
|---|--|
| Name and title of individual served (if not shown above)<br><u>Elizabeth Duarte (clerk)</u> | <input checked="" type="checkbox"/> A person of suitable age and discretion then residing in the defendant's usual place of abode. |
| Address (complete only if different than shown above)                                       | Date of Service <u>5/25/05</u> Time <u>12:30</u> <u>am</u>   |
|   | Signature of U.S. Marshal or Deputy <u>no team file</u>  |

|                          |   |                         |                             |                  |                                |                  |
|--------------------------|---|-------------------------|-----------------------------|------------------|--------------------------------|------------------|
| Service Fee <u>90.00</u> | Total Mileage Charges (including endevors) <u>36.50</u> | Forwarding Fee <u>—</u> | Total Charges <u>126.50</u> | Advance Deposits | Amount owed to U.S. Marshal or | Amount of Refund |
|--------------------------|---|-------------------------|-----------------------------|------------------|--------------------------------|------------------|

REMARKS: 4/14/05 - 1025 AM - NO ANSWER 677 MAPLE ST (HOUSE FOR SALE)  
 4/14/05 1035 AM - NO ANSWER 154 LANGLEY ST. SUND  
 4/12/05 1:20 PM - NO ANSWER 154 LANGLEY ST. SUND 2. HR